

9967. Misbranding of DuBois Pefic pills. U. S. * * * v. 52 Boxes of DuBois Pefic Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14811. Inv. No. 30307. S. No. C-2982.)

On April 18, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 52 boxes of DuBois Pefic pills, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by W. J. Baumgartner, Detroit, Mich., on or about January 15, 1921, and transported from the State of Michigan into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) " * * * Reliable Female Tonic and Regulator. * * * for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs. * * * in the relieving of pain, due to leucorrhea, etc., and regulating the menses. * * * a tonic for the female organs * * * suppressed menstruation, painful menstruation, inflammation of the vagina caused by anemia, etc. * * * For leucorrhea * * * In cases of menstrual disturbances * * * "

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed, and for the further reason that the statement in the said circular, "DuBois Pills which are purely vegetable," was false and misleading.

On July 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9968. Misbranding of dairy feed. U. S. * * * v. Dyersburg Milling Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14907. I. S. Nos. 11159-r, 11175-r.)

On July 25, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dyersburg Milling Co., a corporation, Dyersburg, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 14 and May 27, 1920, respectively, from the State of Tennessee into the State of Mississippi, of quantities of Dyerco dairy feed which was misbranded.

Analyses of samples of the article from the different consignments by the Bureau of Chemistry of this department showed that it contained 19.89 per cent and 20.1 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the tags attached to the sacks containing the said article were labeled, "Guaranteed Analysis: Crude Protein 24.00%," which statement regarding the article and the percentage of crude protein contained therein was false and misleading in that the said article did not contain the guaranteed amount of crude protein but did contain a less amount, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the guaranteed amount of crude protein, to wit, 24

per cent, whereas, in truth and in fact, the said article contained a less amount than 24 per cent of crude protein.

On September 24, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9969. Misbranding of Lung Germine. U. S. * * * v. 2 Dozen Bottles of * * * Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15092. I. S. No. 10903-t. S. No. W-989.)

On or about June 27, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen bottles of Lung Germine, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., March 7, 1921, and transported from the State of Michigan into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * * Use no other lung medicines while using Lung Germine. Read carefully the circular accompanying this bottle * * *"; (carton) " * * * Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. * * * Your Lungs Are They Weak or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home for immediate use at the first sign of Membranous Lung Disease or Bronchial Irritation. * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small amounts of material derived from cod liver oil, iron sulphate, and spices.

Misbranding of the article was alleged in the libel for the reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding of the article was alleged for the further reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects thereof, and other similar statements appearing in the booklet which accompanied the article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*